IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.730 OF 2007
IN
CRIMINAL APPEAL NO.598 OF 2007

Laxman Baburao Shinde. ..Applicant.
Versus
The State of Maharashtra. ..Respondent.

..

Mr.Sandeep Y. Katkate, Adv. appointed for the Applicant.
Mr.M.S.Mhambre, APP, for the State.

..

CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.
DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard the learned Advocate appointed for the applicant and the learned APP for the State.

2. The applicant has preferred this application through jail for condonation of delay caused in filing Appeal i.e. Criminal Appeal No.598 of 2007. There is delay of seven years and eight days in filing the Appeal.

3. The only reason furnished by the applicant for the delay is his financial constraint.

However, that cannot be a ground for condoning the delay caused in filing the Appeal because it was always open to the applicant to prefer an Appeal against the conviction and an application for condonation of delay through jail. Facilities have been provided in jail to the convicts for having the appeals scribed and sent through jail to the Court. Infact the present appeal has been filed, in this fashion, through jail. There is no explanation why the same step was not taken many years prior to the filing of the present appeal.

4. Looking to the facts and circumstances of the case, we do not find any good or sufficient reason has been made out for condonation of delay. Hence, application for condonation of delay is rejected.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]